

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION**

LOYAL HAYES,

Plaintiff,

v.

CALLIE BOOKER, et al.,

Defendants.

)
)
)
)
)
)
)
)
)
)

No. 1:20-cv-16-SPM

OPINION, MEMORANDUM AND ORDER

This matter is before the Court upon plaintiff Loyal Hayes’s Motion to Dismiss Without Prejudice (ECF No. 6). Therein, plaintiff states he “moves to dismiss without prejudice the action against all named defendants, pursuant to all relevant rules of the Civil Rules of Procedure.” *Id.* The Court construes plaintiff’s motion as a notice of voluntary dismissal filed pursuant to Rule 41(a) of the Federal Rules of Civil Procedure. The Court will grant the motion, and order the dismissal of this case, without prejudice.

This dismissal will not count as a “strike” under 28 U.S.C. § 1915(g). Additionally, plaintiff’s motion for leave to proceed *in forma pauperis* will be denied as moot, and he will not be assessed any filing fee for this case. The Court will also deny as moot plaintiff’s motion to appoint counsel.

Accordingly,

IT IS HEREBY ORDERED that plaintiff’s Motion to Dismiss Without Prejudice (ECF No. 6) is **GRANTED**.

IT IS FURTHER ORDERED that this case is **DISMISSED**, without prejudice. A separate order of dismissal will be entered herewith.

IT IS FURTHER ORDERED that plaintiff’s motion for leave to proceed *in forma pauperis* (ECF No. 2) is **DENIED** as moot.

IT IS FURTHER ORDERED that plaintiff's Motion to Appoint Counsel (ECF No. 3) is **DENIED** as moot.

Dated this 14th day of April, 2020.

A handwritten signature in black ink, reading "Henry Edward Autrey", with a long horizontal flourish extending to the right.

HENRY EDWARD AUTREY
UNITED STATES DISTRICT JUDGE